



General Assembly

January Session, 2021

Raised Bill No. 6503

LCO No. 3299



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

AN ACT CONCERNING THE SITING OF ANAEROBIC DIGESTION FACILITIES ON FARMS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-208cc of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) For the purposes of this section:

4 (1) "Farm-generated organic waste" means waste associated with
5 animal feeding operations including, but not limited to, animal bedding,
6 manure, urine, silage, leachate, wastewaters associated with egg or
7 dairy production, animal feed waste and barnyard runoff; and

8 (2) "Animal feeding operation" means a lot or facility on a farm, other
9 than an aquatic animal production facility, where animals have been,
10 are currently, or will be stabled or confined and fed or maintained for a
11 total of forty-five days or more in any twelve-month period and where
12 crops, vegetation, forage growth or post-harvest residues are not
13 sustained in the normal growing season over any portion of such lot or
14 facility.

15 (b) An anaerobic digestion facility shall not be required to obtain a
16 permit to construct and operate pursuant to section 22a-208a if such
17 facility is collocated with an animal feeding operation conducted on
18 land used for the purpose of farming, as defined in section 1-1, and such
19 animal feeding operation maintains a comprehensive nutrient
20 management plan, as developed by the Natural Resources Conservation
21 Service of the United States Department of Agriculture:

22 (1) The feed stock for such anaerobic digestion facility is [at least fifty
23 per cent by volume farm-generated organic waste from an animal
24 feeding operation and not more than five per cent by volume food
25 scraps, food processing residuals and soiled or unrecyclable paper] in
26 conformity with the comprehensive nutrient management plan for such
27 animal feeding operation;

28 (2) The discharge of such anaerobic digestion facility that is not
29 energy end products shall be beneficially used in accordance with the
30 following: (A) The solid material end products are used for (i) animal
31 bedding, (ii) soil or soil amendment, (iii) fertilizer, or (iv) other value-
32 added products; and (B) the liquid material end products are used as
33 fertilizer. Any land application in the state of any such discharge,
34 including, but not limited to, phosphorus, shall be applied at an
35 agronomic rate that is consistent with the nutrient management plan of
36 the farm on which such anaerobic digestion facility is located; and

37 (3) Annually, on or before July thirty-first of each year, each animal
38 feeding operation, that is collocated with an anaerobic digestion facility
39 that is operating pursuant to this section without the permit that would
40 otherwise be required pursuant to section 22a-208a, shall submit to the
41 Commissioner of Energy and Environmental Protection, in a form
42 prescribed by the commissioner, the amount of farm-generated organic
43 waste that is processed by such anaerobic digestion facility and shall
44 indicate the amount of waste processed from such animal feeding
45 operation and from other sources.

46 (c) The Commissioner of Agriculture may inspect anaerobic digestion

47 facilities that are operating pursuant to this section without the permit
48 that would otherwise be required pursuant to section 22a-208a to ensure
49 that such anaerobic digestion facilities are in compliance with
50 subdivision (1) of subsection (b) of this section. If, in the course of
51 conducting such inspection, the commissioner finds that any such
52 facilities are not in compliance with such subdivision, the commissioner
53 shall report such findings to the Commissioner of Energy and
54 Environmental Protection.

55 (d) If the Commissioner of Energy and Environmental Protection
56 determines that (1) an anaerobic digestion facility that is operating
57 pursuant to this section without the permit that would otherwise be
58 required pursuant to section 22a-208a is not collocated with the
59 operation of an animal feeding operation conducted on land used for
60 the purpose of farming, or (2) such anaerobic digestion facility is
61 [processing more than five per cent by volume food scraps, food
62 processing residuals and soiled or unrecyclable paper] not in
63 compliance with the requirements of subdivision (1) of subsection (b) of
64 this section, the operator of such anaerobic digestion facility shall apply
65 for a permit from the commissioner pursuant to section 22a-208a not
66 later than five days after receiving notice of the commissioner's
67 determination pursuant to this subsection. Any such permit application
68 submitted pursuant to this subsection shall be approved or denied by
69 the commissioner not later than ninety days after receipt of such
70 application. If such application for a permit pursuant to section 22a-208a
71 is denied, such anaerobic digestion facility shall close not later than five
72 days after receiving notice of such denial.

73 (e) The commissioner may adopt regulations, in accordance with the
74 provisions of chapter 54, to carry out the purposes of this section.

75 (f) Notwithstanding any provision of the general statutes, any permit
76 application submitted pursuant to section 22a-208a for such an
77 anaerobic digestion facility that is not collocated with such an animal
78 feeding operation but that is located on land used for the purpose of
79 farming, as defined in section 1-1, shall be approved or denied by the

80 commissioner not later than ninety days after receipt by the
81 commissioner.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>from passage</i>	22a-208cc
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Statement of Purpose:

To encourage the timely siting and applicable permitting of anaerobic digesters on farms while establishing workable feed stock requirements for such facilities.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]